



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive and Teleconference Location
Pursuant to GC§54953(B): 115 E. Lipoa St. Ste 107, Kihei, HI 96753

Wednesday, August 14, 2019 - 6:30 PM

Harbor Commission Members:

Paul Blank, Chair
Scott Cunningham, Vice Chair
Ira Beer, Secretary
William Kenney, Jr., Commissioner
Marie Marston, Commissioner
Steve Scully, Commissioner
Don Yahn, Commissioner

Staff Members:

Carol Jacobs, Assistant City Manager
Kurt Borsting, Harbormaster
Jennifer Biddle, Administrative Support Specialist

The Harbor Commission meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Harbor Commission agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Harbor Commission. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Carol Jacobs, Assistant City Manager, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3001 or cjacobs@newportbeachca.gov.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the Harbor Department 24 hours prior to the scheduled meeting.

- 1) **CALL MEETING TO ORDER**
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**
- 4) **PUBLIC COMMENTS**

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Harbor Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Harbor Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

- 5) **APPROVAL OF MINUTES**

1. **Draft Minutes of July 10, 2019, Harbor Commission Regular Meeting**

[Draft Minutes of July 10, 2019, Regular Meeting](#)

6) PUBLIC HEARING**1. Residential Dock Reconfiguration at 1708-1710 South Bay Front**

The applicants at 1708 & 1710 South Bay Front are proposing to reconfigure their shared residential dock in a similar U-shape configuration. The proposed float will extend the same 15 feet beyond the pierhead line as it does in the current configuration. Council Policy H-1 generally allows floats to extend to the pierhead line, but the policy also allows the Harbor Commission to grant exceptions as to how far a float may extend beyond the pierhead line if specific findings are made. The applicant therefore, requests the Harbor Commission to approve the proposed dock configuration (Project).

Recommendation:

- 1) Conduct a public hearing;
- 2) Find the Project exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and
- 3) Approve the Project at 1708-1710 by making specific findings to allow the float to extend beyond the pierhead line by 15 feet pursuant to the provisions within Council Policy H-1.

[Staff Report](#)

[Attachment A - Council Policy H-1](#)

[Attachment B - Aerials Photos](#)

[Attachment C - Existing Approved Plans and Configuration](#)

[Attachment D - Proposed Configuration](#)

[Attachment E - Vessel Overhang Rule](#)

[Attachment F - Joint Owner Approval](#)

[Attachment G - Public Outreach](#)

7) CURRENT BUSINESS

- 1. Proposed Changes to Title 17 - Harbor Code, Sections 17.40 (Live-Aboards), 17.45 (Sanitation), 17.50 (Harbor Development Permits), 17.55 (Dredging Permits), 17.60 (Harbor Permits and Leases), 17.65 (Appeals), 17.70 (Enforcement)**

The City Council requested that the Harbor Commission review Title 17 - Harbor Code, of the Newport Beach Municipal Code in February 2018. The Harbor Commission appointed an ad hoc committee comprising of Commissioners Blank, Kenney and Yahn. The proposed changes are recommended to the full Harbor Commission for consideration.

Recommendation:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- 2) Approve the proposed changes as identified on Attachment A and authorize staff to forward the changes to the City Council for consideration.

[Staff Report](#)

[Attachment A - Proposed changes to Title 17](#)

[Attachment B - Public Comments from May 13, 2019 public meeting](#)

[Attachment C - Public Comments from June 24, 2019 public meeting](#)

[Attachment D - Emails from the public](#)

2. Harbor Commission 2018 Objectives (Revised July 2019): Ad Hoc Committee Updates

Each ad hoc committee studying their respective Functional Area within the Commission's 2018 Objectives, revised July 2019, will provide a progress update.

Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly;
- 2) Add Commissioner Ira Beer to Object 4.1 and remove Commissioner Don Yahn from Objective 4.1 to more equally assign subcommittee responsibilities; and
- 3) Receive and file.

[Staff Report](#)

[Attachment A - Harbor Commission 2018 Objectives Revised July 2019](#)

3. Harbormaster Report - July 2019

The Harbormaster is responsible for the management of the City's mooring fields, the Marina Park Guest Marina and Harbor on-water code enforcement activities. This report will update the Commission on the Harbor Department's activities for July 2019.

Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the

activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and

2) Receive and file.

[Staff Report](#)

[Attachment A - Marina Park Guest Slip Customer Survey Results for July 2019](#)

[Attachment B - Harbor Department Statistics Fiscal Year through July 2019](#)

- 8) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**
- 9) **QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES**
- 10) **MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**
- 11) **DATE AND TIME FOR NEXT MEETING: Wednesday, September 11, 2019 (Meeting will be held at Marina Park)**
- 12) **ADJOURNMENT**